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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,316	12/16/2003	Raymond R. Hornback JR.	IBM-007	5949
51835 7590 04/14/2008 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2145				
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04/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/737,316

**Applicant(s)**

HORNBACK ET AL.

**Examiner**

LIN LIU

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to communications filed on 02/07/2008.

Claims 1-9 and 15-17 are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/07/2008 has been entered.

#### ***Election/Restrictions***

3. Claims 10-14 and 18-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/17/2007. Applicant is advised to cancel the non-elected claims in the next response to the Office Action.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Simpson et al. (PGPUB: US 2004/0073632)**.

With respect to **claim 1**, Simpson teaches a method for configuring and dynamically adapting an application sharing system comprising a plurality of computers in communication over a network, one of the computers having a plurality of system components and sharing an application with at least one other computer over the network, one of the system components adapted to provide feedback to the shared application, the method comprising:

determining a preference for the shared application (Simpson: page 4, paragraph 49, noted the user's unique information for the design data);

monitoring a feedback generated by the one of the system components (Simpson: page 4, paragraph 49, noted that the Unix system automatically creates and stores a target image); and

configuring one of the system components in response to the determined preference and the monitored feedback (Simpson: page 4, paragraph 50, noted that the target image 28 is stored on the client machine).

With respect to **claim 2**, Simpson teaches the method of claim 1 wherein the system component comprises one of a compression algorithm, a change detection

algorithm, a screen capture device and a data transport type (Simpson: page 6, paragraph 63).

With respect to **claim 3**, Simpson teaches the method of claim 1 wherein the preference is a user preference (Simpson: page 4, paragraph 49, noted the user's unique information for the design data).

With respect to **claim 4**, Simpson teaches the method of claim 3 wherein the user preference defines at least one of an image quality and a latency (Simpson: page 4, paragraphs 50-51).

With respect to **claim 5**, Simpson teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Simpson: page 4, paragraphs 50-51).

With respect to **claims 15-16** the limitations of these claims are substantially the same as those in claims 1-2. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 15-16. By this rationale **claims 15-16** are rejected.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-5, 9 and 15-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Popa (Patent no.: US 6,006,231)** in view of **Bertram et al. (PGPUB: US 2002/0156884 A1)**.

With respect to **claim 1**, Popa teaches a method for configuring and dynamically adapting an application sharing system (Popa, fig. 3) comprising a plurality of computers in communication over a network, one of the computers having a plurality of system components and sharing an application with at least one other computer over the network, one of the system components adapted to provide feedback to the shared application, the method comprising:

determining a preference for the shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image);

monitoring a feedback from the one of the system components (Popa, col. 5, lines 50-55, and col. 6, lines 7-20, noted that the server application monitors the request message from the client, and the preference of the image size and resolution picked by the user); and

configuring one of the system components in response to the determined preference and the monitored feedback (Popa col. 6, lines 14-30, noted that based on the alteration of the user's choice, server application configures its setting by transferring the difference between the high resolution image and the original image).

However, Popa does not explicitly teach a method of generating a feedback by the one of the system components.

In the same field of endeavor, Bertram teaches a method of generating a feedback by the one of the system components (Bertram: fig. 2 & 5, page 4, paragraphs 27-28, noted the server monitors the CPU usage and generates the performance data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of monitoring the CPU usage by the server as taught by Bertram in Popa's invention in order for the server to track the usage of CPU and monitor any abnormal activities.

With respect to **claim 2**, Popa teaches the method of claim 1 wherein the system component comprises one of a compression algorithm (Popa, col. 6, lines 38-44), a change detection algorithm, a screen capture device and a data transport type (Popa, col. 6, lines 37-38, communications protocol, TCP/IP).

With respect to **claim 3**, Popa teaches the method of claim 1 wherein the preference is a user preference (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image, and this image formation is sent as a request over the communication network to the server).

With respect to **claim 4**, Popa teaches the method of claim 3 wherein the user preference defines at least one of an image quality (Popa, col. 6, lines 1-6, image resolution) and a latency.

With respect to **claim 5**, Popa teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Popa, col. 6, lines 1-6, image resolution).

With respect to **claim 9**, Popa, teaches the method of claim 1 further comprising selecting the preference for the shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image).

With respect to **claim 15**, Popa teaches an apparatus for use in configuring and dynamically adapting an application sharing system having a plurality of software components, the apparatus comprising:

means for determining a preference for a shared application (Popa, col. 5, lines 59-61, and line 66 to col. 6 line 6, noted that user selects the size and resolution of the image);

means for monitoring a feedback from one of the software components (Popa, col. 5, lines 50-55, and col. 6, lines 7-20, noted that the server application monitors the request message from the client, and the preference of the image size and resolution picked by the user); and

means for configuring one of the software components in response to the preference and the feedback (Popa col. 6, lines 14-30, noted that based on the



alteration of the user's choice, server application configures its setting by transferring the difference between the high resolution image and the original image).

With respect to **claim 16** the limitations of this claim are substantially the same as those in claim 3. Therefore the same rationale for rejecting claim 3 is used to reject claim 16. By this rationale **claim 16** is rejected.

9. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Popa (Patent no.: US 6,006,231)** in view of **Bertram et al. (PGPUB: US 2002/0156884 A1)** and further in view of **Boston et al. (Publication no.: US 2004/0101272 A1)**.

With respect to **claim 6**, the combined method of Popa-Bertam teaches a server API contains a graphical user interface specific functions designed for the development of the image application (Popa, Col. 7, lines 19-25). But they do not explicitly teach a method of allowing an administrator to set the administrator preference.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston through the server API GUI provided in the combined method of Popa-Bertam's invention with motivation being that it

provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 7**, the combined method of Popa-Bertam teaches all the claimed limitations except that they do not explicitly teach a maximum data rate.

In the same field of endeavor, Boston teaches a data rate that each channel can support (Boston, page 9, paragraph 0079).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the use of the data rate transmission as taught by Boston in the combined method of Popa-Bertam's invention as the condition in limiting the selection of the user's preference in selecting the images. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

With respect to **claim 8**, the combined method of Popa-Bertam teaches a method of limiting the selection of a user preference according to an image compression type (Popa, col. 6, lines 2-4, noted that predefined options). However, they do not explicitly teach a method of allowing an administrator to set the administrative preference in limiting the selection.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set

the administrative preference as taught by Boston to limit the selection of user preference in the combined method of Popa-Bertam's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 17** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 17. By this rationale **claim 17** is rejected.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-9 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Marks et al. (Patent no.: US 6,971,110 B1) discloses a method to pace event sharing collaboration across multiple distributed applications.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./  
/Lin Liu/

Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145